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CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date below:

June 10, 1998
Date

Henry L. Hare
Signature

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David W. Osborne
Gilles H. Tapolsky

Serial No.: 09/069,703

Filed: April 29, 1998

For: PHARMACEUTICAL CARRIER DEVICE
SUITABLE FOR DELIVERY OF
PHARMACEUTICAL COMPOUNDS TO
MUCOSAL SURFACES

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: VIRO:034/POR

RESPONSE TO 37 C.F.R. § 1.53(d) NOTICE

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application Under 37 C.F.R. § 1.53(d), dated May 26, 1998, there are enclosed herewith:

- (a) Declaration executed on behalf of Gilles H. Tapolsky & David W. Osborne;
- (b) A Power of Attorney on behalf of ViroTex Corp.;


- (c) A Declaration Claiming Small Entity Status executed on behalf of ViroTex Corp.;
- (d) Our check in the amount of (\$130) surcharge for late filing; and
- (e) A copy of Notice to File Missing Parts of Application-Filing Date Granted.

An Assignment to ViroTex Corp. and a check for \$40.00 are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Assistant Commissioner is authorized to deduct or credit said fees from or to Arnold, White & Durkee Deposit Account No. 01-2508/VIRO:034/POR.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

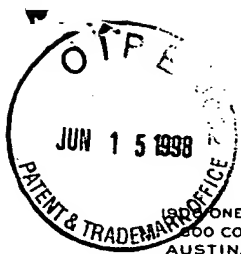
Respectfully submitted,



Gregory L. Porter
Reg. No. 40,131
Attorney for Applicants

ARNOLD, WHITE & DURKEE
P.O. Box 4433
Houston, Texas 77210-4433
(713) 787-1400

Date: 6/10/98



800 ONE AMERICAN CENTER
800 CONGRESS AVENUE
AUSTIN, TX 78701-3248
TELEPHONE (512) 418-3000
FACSIMILE (512) 474-7577

155 LINFIELD DRIVE
MENLO PARK, CA 94025-3741
TELEPHONE (650) 614-4500
FACSIMILE (650) 614-4599

4850 U.S. BANK PLACE
601 SECOND AVE. SOUTH
MINNEAPOLIS, MN 55402-4320
TELEPHONE (612) 321-2800
FACSIMILE (612) 321-9600

ARNOLD, WHITE & DURKEE

A PROFESSIONAL CORPORATION

Attorneys at Law

POST OFFICE BOX 4433
HOUSTON, TX 77210-4433

750 BERING DRIVE, SUITE 400
HOUSTON, TX 77057-2198

TELEPHONE (713) 787-1400
FACSIMILE (713) 787-1440

800 QUAKER TOWER
321 NORTH CLARK STREET
CHICAGO, IL 60610-4714
TELEPHONE (312) 744-0090
FACSIMILE (312) 755-4489

2001 JEFFERSON DAVIS HIGHWAY
SUITE 401
ARLINGTON, VA 22202-3604
TELEPHONE (703) 415-1720
FACSIMILE (703) 415-1728

June 10, 1998

FILE: VIRO:034

WRITER'S DIRECT DIAL:
713-787-1617

CERTIFICATE OF MAILING 37 C.F.R. 1.8

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June 10, 1998 *Sherry Grace*
Date Signature

BOX MISSING PARTS

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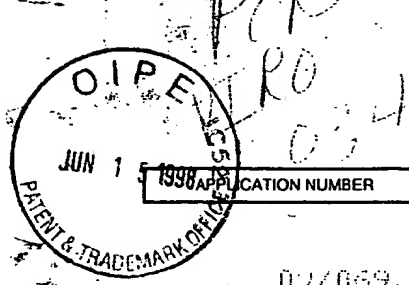
RE: SN 09/069,703 "PHARMACEUTICAL CARRIER DEVICE SUITABLE FOR DELIVERY OF PHARMACEUTICAL COMPOUNDS TO MUCOSAL SURFACES" - David W. Osborne & Gilles H. Tapolsky

Sir:

Please find enclosed:

- (1) A Response Under 37 C.F.R. § 1.53(d) to Notice to File Missing Parts mailed June 9, 1998; and
- (2) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an



UNITED STATES DEPARTMENT OF COMMERCE #3
 Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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00/069,703 04/29/98 TAPOLSKY R VIR04 034

0242/0526

GREGORY L. PORTER
 ARNOLD WHITE & DURKEE
 P O BOX 4433
 HOUSTON TX 77210-4433

NOT ASSIGNED

DATE MAILED: 1615

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

05/26/98

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☒ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☒ small entity (statement filed) ☐ non-small entity is \$ _____.

- ☐ 1. The statutory basic filing fee is:
 - ☐ missing.
 - ☐ insufficient.
 Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- ☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.
 - \$ _____ for _____ independent claims over 3.
 - \$ _____ for _____ dependent claims over 20.

6/26/1998 STORNO 00000001 0005703
 Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- 1 FC:105 ☒ 3. The oath or declaration is ☐ missing or unexecuted. ☐ does not cover the newly submitted items. ☐ does not identify the application to which it applies. ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.
 A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☒ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.
 See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."
- ☒ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

+ NUC
 Customer Service Center
 Initial Patent Examination Division (703) 308-1202

part 2